

FILED

AUG -2 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS & SOLOMON LLP
J. Nelson Thomas (to be admitted *pro hac vice*)
Jonathan W. Ferris (to be admitted *pro hac vice*)
Annette M. Gifford, *of counsel*, State Bar No. 270777
693 East Avenue
Rochester, New York 14607
Telephone: (585) 272-0540

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

UNDERSEAL

EDL

CV17 4384

UNITED STATES OF AMERICA *ex rel.* Malou
Tutanes-Luster,

Plaintiff,

v.

BROKER SOLUTIONS, INC. d/b/a NEW
AMERICAN FUNDING and PATTY ARVIELO,

Defendants.

DECLARATION OF ANNETTE M.
GIFFORD IN SUPPORT OF
RELATOR'S ADMINISTRATIVE
MOTION TO FILE COMPLAINT
UNDER SEAL PURSUANT TO 31
U.S.C. § 3730(b)

TO BE FILED UNDER SEAL
PURSUANT TO

31 U.S.C. §§ 3729 *et seq.*

Civil Action No.

ANNETTE M. GIFFORD, being duly sworn, deposes and says:

1. I am affiliated with the law firm of Thomas & Solomon LLP, which represents the Relator in the above-captioned matter.

2. I am fully familiar with the facts and circumstances surrounding this matter. This declaration is made in support of Relator's Motion to File Complaint Under Seal, which is being submitted contemporaneously.

3. Relator's complaint in this action is brought pursuant to the Federal False Claims Act, Title 31, United States Code, section 3729 *et seq.* Section 3730(b) requires that the complaint be filed *in camera* and maintained under a seal for a period of at least sixty days after service of both the Complaint and Relator's material evidence upon the United States, extendable upon motion of the

1 United States, and that the complaint shall not be served upon the defendant until so ordered by the
2 Court.

3 4. Upon completion of service on the United States as prescribed by Federal Rule of Civil
4 Procedure 4(i), Relator shall file an affidavit of service with the Clerk of the Court indicating that
5 service upon the United States has been completed.
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7 5. Good cause therefore exists to file Relator's Complaint for relief under the False Claims
8 Act under seal.
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1 I declare under penalty of perjury, under the laws of the State of California that the foregoing is
2 true and correct.

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4 Dated: July 31, 2017

5 **THOMAS & SOLOMON LLP**

6
7 By: 

Annette M. Gifford, Esq.

J. Nelson Thomas, Esq. (to be
admitted *pro hac vice*)

Jonathan W. Ferris (to be admitted
pro hac vice)

Attorneys for Relator

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